

RECEIVED  
CENTRAL FAX CENTER

DEC 18 2007

REMARKS

Reconsideration of the rejections of record in view of the amendments, arguments and remarks of applicants' response filed October 31, 2007, the interview of November 19, 2007, the present amendments and the remarks which follow is respectfully requested.

Independent apparatus claims 1 and 24 have been amended to recite a hydrogen concentration sensor and method claim 26 has been amended to expressly recite detecting hydrogen concentration. See S6 in Fig. 1 and paragraph [0086] of the substitute specification.

The claim language "reducing the supply pressure .... by closing the discharge valve" has been changed to read "reducing the supply pressure .... and closing the discharge valve", consistent with the language in paragraph [0091] of the original specification and [0089] of the substitute specification.

The oxygen sensor and sensing of new claims 29 - 31 is exemplified by element S5 in Fig. 1. See paragraph [0087] of the substitute specification and steps S129 - S137 in Fig. 15.

The undersigned thanks Examiners Ben Lewis and Pat Ryan for their time and courtesy in the interview of November 19, 2007. At the outset of the interview the examiners indicated that the "new matter" objection to the specification and the rejection of the claims under the first paragraph of 35 USC 112 had been overcome. The structure in question is shown in Fig. 19 of the drawings.

Next, the discussion in the interview turned to whether or not the Yang published

US patent application discloses applicants' "pressure regulating means."

Yang does not disclose a sensor for detecting the concentration of the fuel gas within the fuel chamber of a fuel cell and, therefore, is not suggestive of pressure regulating means responsive to same. More properly, Yang discloses no element which performs the functions attributed by the apparatus claims here to the "pressure regulating means". In the paragraph spanning pages 11 and 12 of the office action the Examiner writes:

"It is noted that the position of the pistons correlate directly with the pressure (concentration) of anode gas acting on the piston and since the sensors sense the position of the pistons they are able to detect the concentration of fuel gas."

As acknowledged by the examiners during the interview, the sensors 106 and 108 of Yang function merely to send on signals and off signals, respectively, as described at page 3, paragraph [0026], not any signal which varies with pressure or other parameter. Even if one of sensors did send a signal which varies with pressure, that sensed pressure would be total pressure, not the partial pressure of hydrogen.

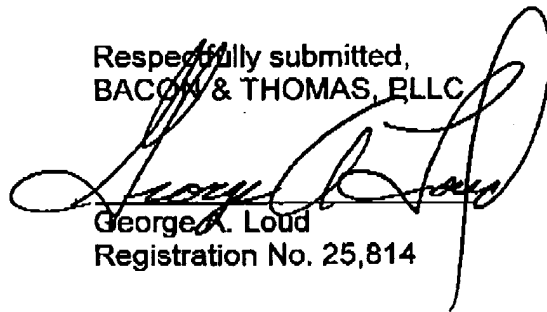
During the interview it was acknowledged that Yang in paragraph [0026] teaches alternating between an "on" state wherein there is a flow of anode gas and an "off" state wherein there is no flow of anode gas, in contrast to the claimed invention wherein a flow of fuel gas at a first pressure is switched to a flow of fuel gas at a second pressure.

It was also acknowledged during the interview that the flows of fuel gas in Yang might vary with power demand, although not mentioned by Yang. However, even if such a feature could be considered inherent in Yang, it would not suggest changing the pressure of the flow of fuel gas responsive to a detected hydrogen concentration.

The understanding of the undersigned as to the result of the interview is that the apparatus claims, if amended as here to expressly recite a hydrogen sensor, would be considered patentable over the prior art now of record. It is respectfully submitted that the method claims, amended here to expressly recite a step of detecting hydrogen concentration, should be likewise viewed.

In conclusion, reconsideration of the rejections of record is respectfully requested.

Respectfully submitted,  
BACON & THOMAS, PLLC



George A. Loud  
Registration No. 25,814

December 17, 2007

Atty. Docket No.: KOBA3003/GAL

Customer No. 23364

Bacon & Thomas, PLLC  
625 Slaters Lane, Fourth Floor  
Alexandria, Virginia 22314  
Telephone (703) 683-0500